



Office of the Governor

November 27, 2006

U.S. Army Corps of Engineers
ATTN: CECW-OR/MVD (David Olsen)
441 G Street NW.
Washington, DC 20314-1000

AND VIA FACSIMILE: (202) 761-0140

RE: Army Corps of Engineers Proposal to Reissue and Modify Nationwide
Permits – docket number COE-2006-0005.

Dear Mr. Olsen:

The State of Wyoming would like to respond to the Federal Register Notice dated September 26, 2006 requesting comment on the need for an acreage limit, or other type of limit for Nationwide Permit 21.

Much of the discussion regarding Nationwide Permit 21 in this Federal Register Notice concentrates on coal mines in the Appalachian coal fields that use the mountaintop removal method to access coal seams. However, Nationwide Permit 21 applies to all coal mining operations across the country. To adopt a single acreage limitation based on the effects of this type of mining on the aquatic environment and presumptively apply this same limitation to every coal mine in the country does not take into consideration the ecological/climatic differences among the various coal mining regions. Therefore, if a limitation is to be adopted, a more reasoned approach would be to provide for regional considerations and local input when determining the appropriate acreage limit for any given region.

In addition, it has anecdotally come to our attention that the Army Corps of Engineers is contemplating for adoption a single acreage limitation which would unreasonably impose upon mining operations in the west. Given the predicted effects a narrow limitation would pose to coal mining activity in Wyoming, it is important that local entities familiar with the effects of coal mining on Wyoming's aquatic environment (including Army Corps of Engineers' employees familiar with Wyoming) be provided the opportunity to assist in the formulation of locally adapted acreage limits. Therefore,

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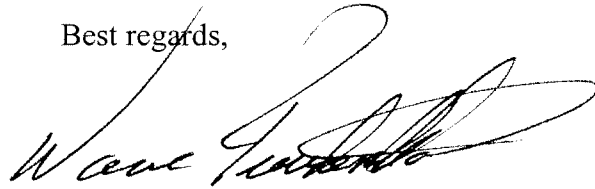
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the State of Wyoming respectfully requests that such opportunity be afforded prior to the adoption of any acreage limits instituted for Nationwide Permit 21.

Thank you for the opportunity to comment.

Best regards,

A handwritten signature in black ink, appearing to read "Dave Freudenthal", with a large, stylized flourish extending upwards and to the right.

Dave Freudenthal
Governor

DF:ps/bb